

REMARKS

Please reconsider the present application in view of the above amendments and following remarks. Applicants thank the Examiner for carefully considering the present application.

Applicants are amending the specification to specify the U.S. serial numbers for the related application.

Claims 1-35 are currently pending. By way of this reply, claims 1, 3-6, 11-17, 19 and 21-35 have been amended, claims 2 and 20 have been cancelled. In making these amendments, Applicants do not concede that the subject matter of such claims was in fact disclosed or taught by the cited prior art. Rather, Applicants reserve the right to pursue such protection at a later point in time and merely seek to pursue protection for the subject matter presented in this submission.

REJECTIONS UNDER 35 U.S.C. § 101

In the 2nd paragraph of the Office Action, the Examiner rejects claims 19-35 under 35 U.S.C. § 101. The Examiner indicated that “claims 19-35 are not limited to tangible embodiments” because the computer readable medium is defined in the specification as including “intangible embodiments (e.g. transmission devices).” While Applicants dispute the Examiner’s contention that transmission devices are not patentable subject matter, in the interest of expediting the application, Applicants have amended claims 19 and 21-35 to recite

a tangible computer readable medium, and cancelled claim 20. Accordingly, withdrawal of the § 101 rejections is respectfully requested.

Response to Rejection Under 35 USC 102(e) in View of Katariya

In the 4th paragraph of the Office Action, the Examiner rejects claims 1, 8, 10, 19, 22, 23, 25 and 27 under 35 USC § 102(e) as allegedly being anticipated by U.S. Patent Application Publication No. 2003/0079185 to Katariya et al. (“Katariya”).

Independent claim 1 has been amended to include all limitations of dependent claim 2. In the 8th paragraph of the Office Action, the Examiner indicates that dependent claim 2 would be allowable if rewritten in independent form including all of the limitations of independent claim 1. Therefore, independent claim 1 as amended is allowable.

Independent claim 19 has been amended to include all limitations of dependent claim 20. In the 9th paragraph of the Office Action, the Examiner indicates that dependent claim 20 would be allowable if rewritten in independent form including all of the limitations of independent claim 19. Therefore, independent claim 19 as amended is allowable. The dependent claims are allowable for at least the same reasons as their respective base claims. Accordingly, withdrawal of the § 102 rejections is respectfully requested.

Response to Rejection Under 35 USC 103(a) in View of Katariya and Kaplan

In the 6th paragraph of the Office Action, the Examiner rejects claims 9 and 26 under 35 USC § 103(a) as allegedly being unpatentable over Katariya in view of U.S. Patent Application Publication No. 2002/0095427 to Kaplan (“Kaplan”).

As set forth above, independent claims 1 and 19 as amended are allowable. Dependent claim 9 depends from independent claim 1 and dependent claim 26 depends from independent claim 19. Therefore, dependent claims 9 and 26 are also allowable. Accordingly, withdrawal of the § 103 rejections is respectfully requested.

Response to Rejection Under 35 USC 103(a) in View of Katariya and Hu

In the 7th paragraph of the Office Action, the Examiner rejects claim 21 under 35 USC § 103(a) as allegedly being unpatentable over Katariya in view of U.S. Patent Application Publication No. 2004/0225667 to Hu et al. ("Hu").

As set forth above, independent claim 19 as amended is allowable. Dependent claim 21 depends from independent claim 19. Therefore, dependent claim 21 is also allowable. Accordingly, withdrawal of the § 103 rejections is respectfully requested.

Conclusion

The Examiner is encouraged to contact the undersigned attorney if it would be beneficial to further advance the prosecution of the application.

Respectfully Submitted,
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